



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2662 OF 2025
IN REVN/229/2025

Dashrath Balaji More

Versus

The State of Maharashtra

Mr. Shrikant Madde for the Applicant.

Mr. M. K. Goyanka, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 31 JULY 2025

P. C.:

1. Issue notice to the Respondent. Mr. Goyanka, learned APP waives service for the State.

2. This Application is filed in the captioned Criminal Revision Application with a prayer to suspend the sentence imposed by the Judicial Magistrate First Class, Court No.3, Ahmedpur, District Latur and confirmed by the Additional Sessions Judge, Ahmedpur in Criminal Appeal No.03 of 2022.

3. Heard Mr. Madde, learned Advocate for the Applicant and Mr. Goyanka, learned APP for the State. With their assistance, perused the Application and the record available with the Court. Briefly, the JMFC Court, Ahmedpur in RCC No.104 of 2017 is pleased to pass an order, primarily of conviction against the accused i.e. the present Applicant. The said orders reads thus:-

“ORDER

- 1) *The accused namely Dashrath Balaji More, R/O.-Belur, Tq. Ahmedpur, Dist.-Latur, is convicted for the offence punishable under Section-354(A) of the Indian Penal Code, 1860, vide Section-248(2) of the Code of Criminal Procedure and sentenced to suffer rigorous imprisonment for the term of One Year with fine of Rs.05,000/ (Rupees Five Thousand Only) and in default of payment of fine to suffer simple imprisonment for a period of 01 month.*
- 2) *The accused is convicted for the offence punishable under Section-452 of the Indian Penal Code, 1860, vide Section-248(2) of the Code of Criminal Procedure and sentenced to suffer simple imprisonment for the term of One Year with fine of Rs.3,000/ (Rupees Three Thousand Only) and in default of payment of fine to suffer simple imprisonment for a period of 20 days.*
- 3) *The accused is convicted for the offence punishable under Section-506 of the Indian Penal Code, 1860, vide Section-248(2) of the Code of Criminal Procedure and sentenced to suffer simple imprisonment for the term of One Year with fine of Rs.02,000/ (Rupees Two Thousand Only) and in default of payment of fine to suffer simple imprisonment for a period of 15 days.*
- 4) *The accused to surrender his bail bonds.*
- 5) *As per Section-428 of the Cr.PC., the accused was arrested on 07/09/2017 and on the same day he was released on bail. Hence, he is not entitled to set off.*
- 6) *All the sentences shall run concurrently.*
- 7) *Amount of Rs.5,000/ (Rupees Five Thousand Only) be given to the informant (PW-02), out of fine amount as compensation under Section 357 of the Code of Criminal Procedure.*
- 8) *Copy of the judgment be given to the accused forthwith, free of costs.*
- 9) *Copy of the judgment be forwarded to the District Magistrate, Latur for service to the Victim.”*

4. The said order was carried by way of Appeal by the present Applicant before the Sessions Court. The Additional Sessions Judge, Ahmedpur by a judgment and order dated 27 June 2025, modified the conviction and sentence of the accused i.e. the Applicant in the following terms:-

“Order

- 1) *The appeal is partly allowed.*
- 2) *The recording of conviction against accused for the offence punishable U/Sec.452 and 354-A of the IPC is maintained subject to the modification of sentence. Accused Dashrath is convicted for the offence punishable U/Sec.354-A and 452 of the IPC. He has to suffer rigorous imprisonment of six months for each offence with fine for the offence punishable U/Sec.354-A of the IPC for a sum of Rs.6000/- and Rs.4000/- for the offence punishable U/Sec.452 of the IPC, in default, he has to undergo simple imprisonment for one month each offence.*
- 3) *Both sentences shall run concurrently.*
- 4) *Accused is acquitted for the offence punishable U/Sec.506 of the Indian Penal Code.*
- 5) *The order of compensation is maintained.”*

5. It thus appears that pursuant to such modification by the Sessions Court, the Applicant has to now undergo rigorous imprisonment of 6 months with fine for Rs.6,000/- for the offence punishable under Section 354-A of the IPC and Rs.4,000/- for the offence punishable under Section 452 of the IPC. The Sessions Court order/judgment has acquitted the accused for the offence punishable under Section 506 of the IPC.

6. The case of the learned Advocate for the Applicant on merits is that both the Courts have principally proceeded on the version of the prosecution witnesses, who are interested witnesses inasmuch as they were family members. He would also submit that as these offences were to run concurrently and were connected. The accused-Applicant is acquitted for the offence punishable under Section 506 of the IPC. It is also submitted that now the sentence that the Applicant has to undergo is for a period of six

months, which is undoubtedly a short sentence. Learned Advocate for the Applicant states that the Applicant has duly paid/deposited the fine as directed.

7. The Applicant was enlarged on bail and continued to be on bail during the proceedings before the JMFC as also during the period of Appeal before the Sessions Court. This position is not controverted by the prosecution. It also appears that there have been no complaints with regard to the conduct of the Applicant whilst on bail in any manner whatsoever. In the above circumstances, the Application for suspension of sentence deserves to be allowed by passing the following order:-

O R D E R

- i. Pending disposal of the Criminal Revision Application and/or until further orders, the substantive sentence of imprisonment imposed by the JMFC, Ahmedpur and modified by the Additional Sessions Judge, Ahmedpur stands suspended.
- ii. The Applicant be released on bail on executing of P.R. Bond of Rs.25,000/- with one surety in the like amount.
- iii. Bail before the Trial Court.

[ADVAIT M. SETHNA, J.]